

Docket No. 141-424

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kositprapa et al.

Serial No.: 10/664,803

Group Art Unit: 1615

Filed: September 19, 2003

Examiner: Sasan, Aradhana

For: **NOVEL PHARMACEUTICAL FORMULATION CONTAINING A BIGUANIDE
AND A THIAZOLIDINEDIONE DERIVATIVE**

New York, New York 10036

May 24, 2010

Via Electronic Filing System
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty to disclose under 37 CFR 1.56, enclosed please find Form PTO/SB/08a listing references which may be considered material to the patentability of the claims of the above-identified application.

I hereby certify that this correspondence is being submitted via the Electronic Filing System ("EFS") to the United States Patent and Trademark Office on May 24, 2010.

/Nicholas P. Chiara/

Nicholas P. Chiara, Reg. No. 52,737

REMARKS

Copies of the references designated as U.S. Patents (“US Pat”) 1-3 and U.S. Patent Application Publications (“US Pub”) 1-2 are not being submitted as per 37 C.F.R. §1.98(a)(2)(ii). Copies of the Foreign Patent Document (“FPD”) 1 and Non-Patent Literature (“NPL”) 1-8 are being submitted as per 37 C.F.R. §1.98(a)(2)(i).

Because references US Pat’s 1-3, US Pub’s 1-2, FPD 1, and NPL 1-8 are in English, Applicants are not submitting Statements of Relevance as per 37 C.F.R. §1.98(a)(3)(i).

NPL 1 is a supplemental European Search Report from the related European patent application, which was mailed on May 12, 2010. NPL 3 and 4 relate to the International application of the present application (PCT/US03/29292). NPL 5 and 6 relate to the International application of a continuation-in-part application (U.S. Serial No. 10/777,542) of the present application. NPL 7 relates to the International application of a continuation-in-part application of U.S. Serial No. 10/777,542, namely, U.S. Serial No. 11/093,742 (PCT/US06/09082). The documents cited in these search reports and written opinions were all previously provided in Information Disclosure Statements in the present application, however only the issued patent of US Pub. 2 was previously cited, and therefore Applicants are providing the Examiner with the recently cited U.S. Published Application. The additional documents listed in the present Information Disclosure Statement were cited in the above referenced child and grandchild U.S. applications or related foreign applications. We note page 871 was missing from our copy of NPL2, if the Examiner would like us to obtain a complete copy, please contact the undersigned. However, we note a copy is available in PAIR in U.S. Serial No. 11/093,742, attached to the list of references cited by the Examiner dated November 7, 2007. We currently do not have access to non-patent literature documents for this application because we have not yet submitted the requisite Power of Attorney.

It is respectfully requested that this art be considered by the Examiner in the above-entitled application and made of record therein.

Because this Supplemental Disclosure Statement is being filed after a Request for Continued Examination and before the first action on the merits or the mailing of a Notice of Allowance it is our understanding that no fee is required.

A Notice of Allowance has been previously issued in the present case, and therefore, the Applicants invite the Examiner to contact the undersigned with any questions about the present submission to expedite the present prosecution.

Respectfully submitted,

/Nicholas P. Chiara/

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